

## FIRST DIVISION

[ A.M. No. P-02-1658, October 21, 2004 ]

**PICKARD BALAJADIA, COMPLAINANT, VS. MERCEDITA GATCHALIAN, COURT STENOGRAPHER, REGIONAL TRIAL COURT, BRANCH 221, QUEZON CITY, RESPONDENT.**

### DECISION

**YNARES-SATIAGO, J.:**

This administrative case stems from the verified letter-complaint<sup>[1]</sup> dated June 7, 2002 filed by Pickard A. Balajadia, on behalf of Amethyst Credit Corporation, charging respondents Judge Noel J. Tijam, Branch Clerk of Court Atty. Rowena De Juan Quinagoran, Court Stenographer Mercedita Gatchalian and Clerk III Nestor Rivera, all of the Regional Trial Court of Quezon City, Branch 221, with wanton disregard of the Rules of Court and misconduct relative to Civil Case No. Q-02-46203.

Amethyst Credit Corporation is the plaintiff in a civil case for specific performance with damages and prayer for the issuance of writ of preliminary attachment against RFM Corporation Employees' Multi-Purpose and Transport Cooperative. The case was docketed as Civil Case No. Q-02-46203 and raffled to Branch 221, Regional Trial Court, Quezon City.<sup>[2]</sup>

In April 2002, Amethyst Credit Corporation presented its evidence ex-parte in support of its application for the issuance of the writ of preliminary attachment. Thereafter, its counsel, Atty. Ronald B. Santos, inquired from respondent Mercedita Gatchalian when he could expect the resolution of the court. The latter allegedly replied, "*Paano tatakbo ang sasakyan kung walang pang gasolina...dito sa court namin pagkatapos ng ganitong hearing ay binibigay agad ang commissioner's fee namin.*"<sup>[3]</sup> Amethyst Credit Corporation, however, turned down respondent's request.

Subsequently, the trial court dismissed Civil Case No. Q-02-46203 for lack of jurisdiction. Amethyst Credit Corporation filed a motion for reconsideration<sup>[4]</sup> and set the same for hearing on May 17, 2002 at 8:30 in the morning. On the said date, however, the motion for reconsideration was not included in the court's calendar for hearing. When Atty. Santos talked to respondent Mercedita Gatchalian, she assured him that the court would send a notice of hearing of their motion.<sup>[5]</sup>

On May 23, 2002, complainant inquired about the status of the motion for reconsideration, and was informed that the same had been denied by the court *motu proprio* on that same day.

Thus, complainant, on behalf of Amethyst Credit Corporation, filed this

administrative case.

In a Resolution dated December 9, 2002,<sup>[6]</sup> the Court dismissed the administrative complaint against respondents Judge Tijam, Atty. Quinagoran and Clerk III Rivera for lack of merit. The charge of misconduct against respondent Mercedita Gatchalian was docketed as a regular administrative matter and referred to Executive Judge Monina A. Zenarosa, Regional Trial Court of Quezon City, for investigation, report and recommendation. Executive Judge Monina A. Zenarosa inhibited herself, and the newly-designated Executive Judge Jose Mendoza was appointed as Justice of the Court of Appeals. Hence, the investigation was assigned to Judge Apolinario Bruselas who, being the acting judge of RTC, Branch 221, indorsed the same to Judge Natividad A. Giron-Dizon.<sup>[7]</sup>

During the course of the investigation, a Joint Motion to Dismiss<sup>[8]</sup> was filed by both the complainant and respondent, alleging that the controversy was the result of misunderstanding and confusion. Respondent Mercedita Gatchalian admitted that she uttered the statements imputed to her but said that it was not addressed to the complainant or to anybody in particular and was not intended to solicit any commission or compensation from complainant.

On October 21, 2003, Investigating Judge Natividad A. Giron-Dizon submitted her report and recommendation finding respondent Mercedita Gatchalian administratively liable for the acts complained of, for which she should be reprimanded that commission of the same or similar act will be dealt with more severely.

The Office of the Court Administrator (OCA) adopted the findings of the Investigating Judge but recommended that respondent Mercedita Gatchalian be found guilty of simple misconduct and fined the amount of three thousand pesos (P3,000.00), with warning that the commission of the same or similar act in the future will be dealt with more severely.

The recommendation of the OCA is well-taken.

Prefatorily, we reiterate the rule that the withdrawal of an administrative complaint or subsequent desistance by the complainants does not free the respondents from liability, as the purpose of an administrative proceeding is to protect the public service, based on the time-honored principle that a public office is a public trust.<sup>[9]</sup> It does not operate to divest this Court of jurisdiction to determine the truth behind the matter stated in the complaint. The Court's disciplinary authority cannot be dependent on or frustrated by private arrangements between parties. An administrative complaint against an official or employee of the judiciary cannot simply be withdrawn by a complainant who suddenly claims a change of mind.<sup>[10]</sup> Hence, the Investigating Judge was correct in proceeding with the investigation, and the Joint Motion to Dismiss will not prevent this Court from resolving its merits.

We have consistently held that the conduct required of court personnel, from the presiding judge to the lowliest of clerk **must always be beyond reproach and circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the judiciary.** All court personnel are expected to exhibit the highest sense of honesty and integrity not only in the